2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Main Committee II

Summary record of the 1st meeting

Held at Headquarters, New York, on Monday, 10 May 2010, at 10 a.m.

Chairman: Mr. Yelchenko ..... (Ukraine)

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The meeting was called to order at 10.10 a.m.

Organization of work

1. **The Chairman** said that Main Committee II had the task of dealing with agenda items 16 (c) and 17 (NPT/CONF.2010/1). In addition, the plenary Conference had established a subsidiary body to examine regional issues and the Middle East, including the resolution on the Middle East adopted at the 1995 Review and Extension Conference. He drew attention to the proposed programme of work for the Committee and its subsidiary body, contained in document NPT/CONF.2010/MC.II/INF/1, and noted that the Committee had been allocated seven meetings, including two meetings for the subsidiary body. He intended to submit a draft report on the work of the Committee for its consideration as soon as possible.

2. *The programme of work was adopted.*

General exchange of views

3. **Mr. Abdelaziz** (Egypt), speaking on behalf of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, noted that the wording of agenda item 16 made it clear that Main Committee II should not only review the Treaty but also take into account the decisions and resolutions agreed upon at the 1995 and 2000 Review Conferences. The Group intended to work with the Committee to agree on a strong and coherent outcome. To that end, he drew attention to the Group's comprehensive working paper (NPT/CONF.2010/WP.46) and, in particular, to the specific proposals contained in the paragraphs relating to nuclear-weapon-free zones, the Middle East, and safeguards and verification.

4. **Mr. Woolcott** (Australia) said that the States parties to the Non-Proliferation Treaty had a common interest in an effective, strengthened and universal safeguards system within the framework of the International Atomic Energy Agency (IAEA). To that end, all States that were not parties should accede to the Treaty as soon as possible, without preconditions, and all States should sign and ratify additional protocols to their safeguards agreements, especially those with significant nuclear activities. In that connection, the 2010 Review Conference should unequivocally declare that comprehensive safeguards and additional protocols now represented the verification standard pursuant to article III, paragraph 1, of the Treaty.

5. The Conference must also underline the importance of strict compliance by States with their safeguards obligations. In that context, Australia was concerned that Iran continued to act in violation of the relevant United Nations Security Council resolutions and called for it to cooperate fully with IAEA to address existing concerns about the possible military dimensions of its nuclear programme. The continued non-compliance of the Democratic People's Republic of Korea with its safeguards obligations presented another serious challenge to the international nuclear non-proliferation regime. He therefore called upon that country to meet its commitments with respect to the Six-Party Talks and to comply with the relevant Security Council resolutions and its safeguards obligations.

6. All States should ensure that their export controls were strictly enforced in line with the major nuclear export control regimes. Australia's policy was to sell uranium only to States parties with additional protocols in place and he encouraged other nuclear suppliers to adopt the same approach.

7. The Conference should urge States to take further measures to strengthen the security of nuclear material and facilities in order to reduce the threat of nuclear terrorism. For its part, Australia was using its network of bilateral agreements to ensure high standards of security for its uranium worldwide; it was engaging strongly with IAEA on nuclear security; and it was collaborating on capacity-building efforts in the South-East Asia and Pacific region.

8. Lastly, he said that his delegation would like to see the Committee's report reflect the elements contained in paragraphs 10, 11 and 16 of the joint working paper submitted by Australia and Japan (NPT/CONF.2010/WP.9), which contained a new package of practical nuclear disarmament and non-proliferation measures. He also hoped that the Committee's work would be facilitated by the draft language contained in its other joint working papers on export controls (NPT/CONF.2010/WP.17), physical protection and illicit trafficking (NPT/CONF.2010/WP.20) and compliance and verification (NPT/CONF.2010/WP.21).

9. **Mr. Abdelaziz** (Egypt) said that comprehensive safeguards agreements were the only verification mechanism established by the Non-Proliferation

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Treaty. Egypt, unlike other States that were not parties to the Treaty, including Israel, was firmly committed to complying with its agreement. However, in the light of the continued existence of facilities not subject to such safeguards in the Middle East, it was extremely surprising that States in the region in compliance with their safeguards commitments were now being asked to enter into additional verification obligations through the conclusion of IAEA additional protocols.

10. Such attempts to redefine existing obligations under article IV of the Treaty undermined efforts to achieve the universality of IAEA comprehensive safeguards, thereby detracting from the credibility of the Treaty. The 2010 Review Conference must succeed in addressing that challenge in order to strengthen and ensure the continued effectiveness of the Treaty.

11. **Mr. Gumbi** (South Africa) said that the international community must redouble its efforts to achieve universal adherence to the Non-Proliferation Treaty, strengthen the multilateral institutions responsible for disarmament and non-proliferation, and be vigilant against any steps that could undermine progress in those areas. In that context, all States should conclude comprehensive safeguards agreements and additional protocols as part of their collective efforts to address the threat posed by the proliferation of nuclear weapons.

12. In particular, the Democratic People's Republic of Korea should fully and verifiably terminate any nuclear-weapons programmes, return to the Non-Proliferation Treaty, sign and ratify the Comprehensive Nuclear-Test-Ban Treaty and place all of its nuclear facilities and materials under comprehensive IAEA safeguards. Iran should also cooperate fully with IAEA to clarify all outstanding issues and fully implement an additional protocol pending its ratification.

13. IAEA must be fully involved in all discussions on nuclear fuel supply arrangements, which should be agreed on the basis of consensus and should not impose unwarranted restrictions or controls on the legitimate use of nuclear energy for peaceful purposes.

14. Nuclear-weapon-free zones were an integral part of the nuclear disarmament and non-proliferation regime. His delegation therefore welcomed the entry into force of such zones, urged the relevant States to sign and ratify the protocols to the treaties establishing them, and supported the establishment of additional zones. In that connection, the 2010 Review Conference should agree on measures to implement, as a matter of urgency, the resolution on the Middle East adopted at the 1995 Review and Extension Conference.

15. **Mr. Domingo** (Philippines) said that his delegation wished to emphasize that the Review Conference must strike a balance between the three pillars of the Non-Proliferation Treaty.

16. The resolution on the Middle East adopted by the 1995 Review Conference had provided for the establishment of a nuclear-weapon-free zone in the Middle East. That provision must be implemented as soon as possible and an international conference on the Middle East should be held at the earliest possible date. Nuclear-weapon-free zones should be established in other regions and all States in each region should accede to any treaty establishing such a zone.

17. The IAEA non-proliferation framework should be further developed through the conclusion of additional comprehensive safeguards agreements and the universal adoption of additional protocols. The nuclear-verification capabilities of IAEA should be strengthened through the provision of appropriate legal tools and operational resources.

18. The Comprehensive Nuclear-Test-Ban Treaty must enter into force as soon as possible and, pending its entry into force, a moratorium on nuclear testing should be observed. In addition, work on a fissile material cut-off treaty must commence at the earliest opportunity.

19. The institutional implementation and continuity framework of the Non-Proliferation Treaty regime must be improved. The President of the Review Conference could help ensure continuity between Review Conferences. Also, the operational management of the Treaty regime must be enhanced through the establishment of a dedicated implementation support mechanism.

20. **Mr. Danon** (France) said that in 2005 the Board of Governors of IAEA had found Iran to be in violation of its safeguards agreement, five Security Council resolutions and 10 resolutions of the IAEA Board of Governors. Iran continued to accumulate low-enriched uranium and had begun enriching it up to 20 per cent, which was not justified for civilian purposes. Iran had refused the offers of dialogue and cooperation made by the six nations involved in talks with it (the Group of

Six) and had been limiting its cooperation with IAEA in relation to various issues, including the possible military dimensions of its nuclear activities. An energetic response by the international community was therefore necessary. With its partners in the Group of Six, France had been redoubling its efforts to find a negotiated solution that addressed both Iran's needs and the grave concerns of the international community. Iran would isolate itself even further if it failed to meet the demands of IAEA and the Security Council.

21. Since 2005, North Korea had conducted two nuclear tests and had also tested a number of ballistic missiles capable of delivering nuclear warheads. The Security Council, in resolutions 1718 (2006) and 1874 (2009), had demanded the complete, verifiable and irreversible dismantlement of North Korea's nuclear programmes. The European Union strengthened sanctions through a stricter embargo and heightened financial vigilance towards North Korean entities. The message sent to Pyongyang had been clear: neither its headlong pursuit of a nuclear-weapons programme nor its proliferation activities would be tolerated. France called on all other countries under investigation by IAEA to cooperate fully, which was the only way to dispel suspicions concerning their present or past activities.

22. The Review Conference must call for the universalization and strengthening of the IAEA safeguards system. In addition, if a State party had not acceded to an additional protocol, IAEA could not carry out its mission in a credible manner. An additional protocol was the only way to provide credible assurances to the international community that a civilian nuclear programme was being used exclusively for peaceful purposes. Therefore, France encouraged the international community, IAEA and all States parties to continue promoting safeguards. France would continue to assist IAEA, specifically through its safeguards support programme, by making its expertise available and by helping to develop technologies for the detection of clandestine nuclear activities.

23. IAEA investigations had revealed the existence of a vast network that trafficked in sensitive technologies. The export of sensitive nuclear technology, equipment and materials must therefore be subject to rigorous and universally applied controls.

24. Prevention and non-proliferation efforts must also be strengthened in order to better control exports and access to training involving sensitive information, to counter proliferation caused by trafficking, to criminalize proliferation activities and to eliminate their sources of funding. Both France and the European Union were stepping up their efforts in that regard and in 2008 had adopted a new series of strategies to counter proliferation.

25. Security Council resolution 1540 (2004) must also be fully implemented. The efforts of France in that regard had been unsparing and had included the organization of regional seminars.

26. **Mr. Abe** (Japan) said that the working paper submitted by Japan (NPT/CONF.2010/WP.5/Rev.1) underscored the importance of strengthening the non-proliferation regime through enhanced IAEA safeguards. Implementing an additional protocol facilitated rather than constrained the peaceful use of nuclear energy. Japan called on all States that had not yet concluded either a comprehensive safeguards agreement or an additional protocol to do so as soon as possible and it also called on States concerned to work further for the universalization of additional protocols by providing, for example, technical assistance to the States that required it.

27. Japan considered it especially important to provide developing countries with assistance for the establishment and maintenance of State systems of accounting for and control of nuclear material so that they could implement safeguards and develop peaceful nuclear activities without proliferation concerns.

28. Japan fully supported the resolution on the Middle East adopted by the 1995 Review Conference and its provision to establish a nuclear-weapon-free zone in the Middle East. Further, Japan once again called on India, Israel and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear-weapon States promptly and without conditions. It also called on all the Middle East States to participate in the disarmament and non-proliferation regimes, including the Test-Ban Treaty, the Biological Weapons Convention and the Chemical Weapons Convention.

29. In view of the threat posed by the nuclear activities of the Democratic People's Republic of Korea, the Review Conference should condemn that country's nuclear tests. That country should abide by the relevant Security Council resolutions, retract its announced withdrawal from the Non-Proliferation Treaty and comply with IAEA safeguards. It should

also abandon all nuclear weapons and programmes, in accordance with the September 2005 joint statement of the Six-Party Talks. The final document of the Review Conference must refer to that situation so that the Democratic People's Republic of Korea did not mistake the will of the States parties.

30. IAEA had reported that Iran had not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in the country was being used in peaceful activities. Japan expressed concern that Iran had been continuing to expand its enrichment activities. In order to arrive at a peaceful and diplomatic solution, Iran should make determined efforts to restore the confidence of the international community and comply fully and without delay with its obligations under the relevant Security Council resolutions and the requirements of the IAEA Board of Governors. Japan also supported the impartial and professional efforts by IAEA to clarify all outstanding issues relating to Iran's nuclear programme. The Conference should consider how it could deliver a strong message on that issue.

31. Japan had co-sponsored a working paper (NPT/CONF.2010/WP.4) on the strengthening of the review process. The paper suggested that a general conference be held annually to take both procedural and substantive decisions in order to make the review process more sustainable and responsive.

32. **Mr. Kleib** (Indonesia) said that Indonesia was one of the first countries to accede to an additional protocol with IAEA. The informal mechanism referred to as "Friends of the Additional Protocol" should be used to generate greater support for the Model Additional Protocol. Proposals relating to the Additional Protocol could also be put forward in the relevant multilateral disarmament forums, such as the First Committee of the General Assembly. States should also work together to increase outreach relating to the Additional Protocol, including through IAEA-coordinated seminars, workshops and training courses.

33. The confidentiality of safeguards information must be enhanced so that confidentiality concerns could no longer serve as a pretext for countries not to provide information requested by IAEA inspectors.

34. Indonesia hoped that the nuclear-weapon States would continue to cooperate with the signatories of the Treaty on the South-East Asia Nuclear-Weapon-Free Zone to resolve pending issues and would accede to the Protocol to the Treaty without delay.

35. The Review Conference could recommend that negotiations be held at the earliest possible date among all the States of the Middle East to establish a nuclear-weapon-free zone there. To expedite that process, a standing committee under the Non-Proliferation Treaty could be established to initiate contacts with Israel and the other States in the region. That committee could be composed of the Chairperson of the Preparatory Committee, the Bureau of the Review Conference and the sponsors of the resolution on the Middle East that had been adopted at the 1995 Review Conference.

36. **Mr. Guerreiro** (Brazil) said that his country had been a leading advocate of balance between the three pillars of the Non-Proliferation Treaty. Balance was especially crucial in the case of disarmament and non-proliferation, since they were closely interrelated and mutually reinforcing processes, for better or for worse, and because the non-proliferation obligations set forth in the Treaty were verifiable and objective whereas the obligation to disarm was open-ended.

37. Notwithstanding that dangerous asymmetry, which in the long run was unsustainable, the Treaty had proven highly successful in preventing proliferation. That was due in no small part to the credibility and effectiveness of the IAEA safeguards system. The universalization of comprehensive safeguards agreements was urgently needed.

38. The balance of obligations on which the Treaty had been founded also extended the manner in which its commitments were to be verified. The Additional Protocol was not a part of that bargain. It was not fair to expect non-nuclear-weapon States, which had already undertaken unequivocal, credible and verifiable commitments to forswear nuclear weapons, to implement further enhanced verification measures, while the international community had yet to be presented with a time frame for achievement of a world free of nuclear weapons. Enhanced verification mechanisms should be incorporated into a future convention on the prohibition of nuclear weapons. That would level the playing field by making zero nuclear weapons the norm for all States.

39. With regard to the arrangements known as nuclear sharing, Brazil recalled that each article of the Treaty was binding on the respective States parties at all times and in all circumstances and that all States

parties should be held fully accountable for strict compliance with their obligations under the Treaty.

40. Brazil strongly supported the establishment of nuclear-weapon-free zones, including in the Middle East. It hoped that recent changes in the strategic doctrine of one nuclear-weapon State might pave the way for the withdrawal of reservations made by that State and other nuclear-weapon States in ratifying Additional Protocol II to the Treaty of Tlatelolco, so that the negative security assurances provided by nuclear-weapon States to the countries of Latin America and the Caribbean would become straightforward and unequivocal. However, achieving negative security assurances was not an end unto itself but rather a temporary measure pending the total elimination of nuclear weapons.

41. Brazil called on all States to sign and ratify the Test-Ban Treaty without delay, in particular the remaining nine annex 2 States whose ratification was still needed for its entry into force. Instead of being held hostage to other issues or used as a bargaining chip, that Treaty should be seen in the light of its own merits, since its entry into force would clearly contribute to international security and stability at all levels.

42. **Mr. Grinius** (Canada) said that the Ministers for Foreign Affairs of the Group of Eight had recently met in Canada and had made public a statement on non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy. That statement was explicitly intended to contribute to the work of the Review Conference and its Main Committee II, which was why it addressed a number of issues specifically related to the mandate of the Committee. He recommended that all the Committee participants read it in order to inform their discussions.

43. During consultations with the Vienna Group of 10, the representatives of Canada had helped to craft language for possible inclusion in the final document of the Review Conference. The results of those consultations related directly to the work of Main Committee II and could be found in working papers 15 to 21 (NPT/CONF.2010/WP.15 to NPT/CONF.2010/WP.21).

44. States parties must conclude and bring into force a safeguards agreement with IAEA. The Conference must urge the 21 States parties that had not yet met that obligation to do so. The Conference must also reaffirm the importance of full compliance with article III and all the other articles of the Non-Proliferation Treaty. The Conference should affirm that a comprehensive safeguards agreement and an additional protocol were the verification standard necessary to provide credible assurance that a State was in compliance with its peaceful-use commitments under the Treaty. The Conference should also support the continued evolution of IAEA safeguards to a more information-driven system in which evaluation and implementation were based on all relevant information about a State.

45. The Conference should recognize the importance of effective national export control systems and should encourage States parties that had such systems to provide assistance to those that required it. In implementing their obligations under the Treaty, all States parties should take into account multilaterally agreed guidance on what constituted effective export control measures.

46. In addition, the Conference should highlight the importance of maintaining effective measures for the physical protection of nuclear material and facilities. Canada believed that the Conference should support IAEA assistance to States in their efforts to prevent trafficking in nuclear and other radioactive material, by underscoring the importance of regular contributions to the IAEA Nuclear Security Fund. The Conference should also urge all States parties to ratify the Convention on the Physical Protection of Nuclear Material.

47. Over the past year, Canada had discussed proposals on institutional reform with a cross-regional group of States and had refined those proposals into a series of draft decisions set out in working paper 4 (NPT/CONF.2010/WP.4). None of the proposed decisions would require an amendment to the Treaty nor would they affect the existing responsibilities and relationships between the Treaty and the Security Council or IAEA. Furthermore, all of the proposals were modular to the extent that each was presented individually for consideration rather than as a package.

48. Lastly, Canada welcomed the establishment in Main Committee II of a subsidiary body to address regional issues.

49. **Mr. Aguirre de Cárcer** (Spain), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, and

Montenegro; and, in addition, Iceland, Liechtenstein, the Republic of Moldova and Ukraine, said that all States should work to strengthen the non-proliferation regime. In order to preserve the central role of the Non-Proliferation Treaty in promoting collective security, the Review Conference must reaffirm that all States should take concerted action to ensure strict compliance with their non-proliferation obligations, and that the international community must respond quickly and effectively to instances of non-compliance.

50. In a recent decision, the Council of the European Union had stressed that the Review Conference should strengthen the effectiveness of the non-proliferation regime by making the conclusion of comprehensive safeguards agreements and additional protocols the verification standard under article III of the Non-Proliferation Treaty, and by reaching a common understanding among States parties on how to respond effectively to a State's withdrawal from the Treaty and cases of non-compliance. The final document of the 2010 Review Conference should effectively address those issues.

51. The collective capacity to strengthen the non-proliferation regime would also be significantly improved by incorporating the forward-looking proposals of the European Union on all three pillars of the Treaty, contained in paragraph 5 of its working paper (NPT/CONF.2010/PC.III/WP.26).

52. The European Union remained gravely concerned at the major proliferation challenges posed by the Democratic People's Republic of Korea and the Islamic Republic of Iran, which had both continued to violate their international obligations. Such defiance warranted a clear and firm response from the international community to bring those countries back into compliance with their non-proliferation and safeguards obligations, including strengthening the role of the Security Council so that it could take appropriate action. The lessons learned from the proliferation crises should also be reflected in the outcome documents of the 2010 Review Conference.

53. Effective international efforts to combat proliferation must be based on resolute cooperation to prevent and disrupt illicit transfers, control exports, counter illegal networks, secure sensitive material and prevent the financing of terrorism. In that respect, the European Union was committed to strong nationally and internationally coordinated export controls; appropriate surveillance and control measures; the highest non-proliferation, safety and security standards for enrichment and reprocessing technologies; and all measures to address the threat of nuclear terrorism, particularly Security Council resolution 1540 (2004) and the International Convention for the Suppression of Acts of Nuclear Terrorism.

54. The European Union also reaffirmed its commitment to strengthening nuclear security, particularly through such efforts as the IAEA Nuclear Security Fund; called on all States parties to the Convention on the Physical Protection of Nuclear Material to ratify the Amendment to the Convention in order to expedite its entry into force; and welcomed the relevant undertakings endorsed at the recent Nuclear Security Summit held in Washington.

55. The European Union continued to attach great importance to the development of internationally recognized nuclear-weapon-free zones; hoped that the outstanding concerns about some of those zones could be resolved through consultations with all the parties involved; and reiterated its firm commitment to the full implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference. It would also deliver a specific statement to the Committee's subsidiary body on the issue of a nuclear-weapon-free zone in the Middle East.

56. **Mr. Davies** (United States of America) said that his Government would work to strengthen the Non-Proliferation Treaty and to ensure that the rights and responsibilities enshrined in all three pillars of the Treaty were upheld. It strongly believed that the IAEA safeguards system must be improved to respond not only to known and emerging threats, but also to unanticipated future challenges. To enable the Agency to fulfil its statutory mandate, the United States would work to build support for an increase in the IAEA regular budget and would also increase its own extrabudgetary contributions.

57. Comprehensive safeguards, bolstered by additional protocols, provided the Agency with the essential tools required to detect both declared and undeclared nuclear activities. The Review Conference should therefore affirm that the combination of the two instruments best fulfilled the objectives of article III of the Treaty; urge all States parties to conclude and bring them into force as soon as possible; and endorse steps to further strengthen and enforce strong export controls

by making additional protocols the verification standard for nuclear supply arrangements.

58. Specifically, IAEA must develop a robust and flexible safeguards regime that took into account all information available to inspectors and was supported by an adaptive international technology base for advanced safeguards. In that context, the Conference should call upon IAEA to assess and implement measures to promote the highest standards for international safeguards, urge States parties to provide IAEA with the necessary resources to fulfil its mandate and confer due authority upon the Agency to that end.

59. For its part, the United States stood ready, inter alia: to provide assistance to States parties to help them implement their safeguards agreements and additional protocols in an effective and efficient manner; to contribute to a voluntary fund to help countries build capacity to meet their obligations pursuant to Security Council resolution 1540 (2004); to support realistic measures for the implementation of the 1995 resolution on the Middle East; to sign the protocols to the treaties establishing nuclear-weapon-free zones on a case-by-case basis, and to work actively with international partners to secure or eliminate excess stocks of proliferation-sensitive nuclear material worldwide, among other initiatives.

60. A strengthened non-proliferation regime would ultimately require not only an effective detection mechanism, but also an effective response from the international community to ensure that all States in violation of the Treaty came into full compliance. His Government therefore hoped that by the time of the next Review Conference all States parties would be in full compliance with the Treaty and that the IAEA safeguards system would be stronger, more resilient and universally accepted.

61. **Mr. Kruse** (Australia), speaking also on behalf of the Vienna Group of 10 (Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden), said that it was important for Main Committee II to achieve common understandings on strengthening the effectiveness of the safeguards system of the Non-Proliferation Treaty, on dealing effectively with non-compliance and proliferation issues, and on the risk posed by non-State actors seeking to acquire nuclear weapons, material or related items. Those challenges must be met firmly in a way that upheld the integrity of the Treaty and the authority of the IAEA safeguards system.

62. With such challenges in mind, the Group had prepared several papers of direct relevance to the Committee's work, which had been circulated as working papers (NPT/CONF.2010/WP.17, 20, 21 and 38).

63. **Ms. Mosley** (New Zealand) said that an additional protocol, in addition to a comprehensive safeguards agreement, should always feature as a condition in any new supply arrangement. New Zealand strongly urged all States parties that had not yet done so to conclude and bring into force an additional protocol without delay.

64. While appreciating the efforts of IAEA to clarify all outstanding issues regarding Iran's past nuclear programme, New Zealand continued to have concerns about the nature of that programme and its possible military dimension.

65. New Zealand noted that the nuclear weapons programme of the Democratic People's Republic of Korea remained a serious challenge to the non-proliferation regime as well as to peace and stability in the Korean Peninsula and beyond. It had condemned the nuclear tests carried out by that country in 2006 and 2009 and it supported calls that the country comply with the relevant Security Council resolutions, return to the Six-Party Talks, honour the commitments it had already made in those talks and recommit itself to the Non-Proliferation Treaty.

66. It was up to all States to ensure that export control regimes continued to work effectively and that they continued to support the international non-proliferation framework. Transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States party to the Treaty. New Zealand also urged all States parties to ensure that their nuclear-related exports did not assist the development of nuclear weapons and that they were in conformity with the objectives and purposes of the Treaty.

67. New Zealand looked forward to the day when there would be comprehensive nuclear-weapon-free zones in all parts of the world, including the Middle East.

68. Lastly, New Zealand had sponsored a working paper (NPT/CONF.2010/WP.4), which contained useful

proposals to strengthen the institutional framework of the Treaty.

69. **Mr. Soltanieh** (Islamic Republic of Iran) said that non-proliferation and disarmament were two complementary pillars, the implementation of which would promote safety and security. The third pillar, namely the peaceful use of nuclear energy, also played an essential role in fostering development, peace and prosperity.

70. Non-proliferation, along with the two other pillars of the Non-Proliferation Treaty, faced serious challenges owing mainly to the non-compliance of some nuclear-weapon States with their obligations under articles I, II and IV of the Treaty. By maintaining their nuclear arsenals and their horizontal proliferation through the transfer of nuclear technologies and weapons-grade materials to non-parties to the Treaty, those nuclear-weapon States had also contributed to the emergence of new nuclear-weapon possessors. That was in clear violation of their obligations under article I.

71. In the past few years, efforts had been made to change the Treaty into one with a single goal. Nuclear-disarmament obligations had been completely overlooked and access to nuclear materials and technologies for peaceful use had been denied. At the same time, the non-proliferation obligations of non-nuclear-weapon States had been overemphasized as if the Treaty had no other provisions. Certain countries had tried to impose more extreme and deeper restrictions on access to peaceful nuclear technology and sought to limit such technology only to nuclear-weapon States and a few staunch allies, some of whom were not even parties to the Treaty. In addition, nuclear-weapon States had imposed restrictions on other States parties who believed nuclear energy should not be used as a weapon. Clear examples included the growth of nuclear cooperation between Israel and the United States and a recent decision of the Nuclear Suppliers Group that had demonstrated that non-parties to the Treaty enjoyed special privileges and were even being rewarded by Western countries.

72. The member States of IAEA were not treated in an equal, non-discriminatory manner as far as the safeguards regime was concerned. While non-nuclear-weapon States party to the Treaty were subject to robust verification, surveillance and controls, non-parties and nuclear-weapon States were exempted from comprehensive safeguards. As long as the comprehensive safeguards agreement was not universally applied and nuclear-weapon States had not fully complied with their obligations under article VI of the Treaty, acceptance of additional, legal obligations such as additional protocols was absolutely not justified. Additional protocols were merely recommendations by the IAEA Board of Governors, not texts negotiated by all member States, and thus were voluntary and not mandatory.

73. The unprecedented decision of the Nuclear Suppliers Group to provide nuclear fissile material to a non-party with an active nuclear-weapons programme was in clear violation of article III, paragraph 2, of the Treaty. That decision, which had been taken under pressure exerted by the United States, was also a violation of the commitment of nuclear-weapon States to promote the universality of the Treaty, in accordance with the decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review Conference and the Final Document of the 2000 Review Conference.

74. The current challenges of the Treaty regime required the establishment of a new arrangement and a robust strategy to prevent the arbitrary proliferation measures of some nuclear-weapon States.

75. In the view of the United States and its allies, clandestine development of nuclear weapons by some non-parties to the Treaty was justifiable. Worse yet, they believed that such nuclear programmes could be supported through cooperation and the transfer of nuclear technology, materials and equipment by the Nuclear Suppliers Group. It was a matter of great concern that such an approach had been taken to the nuclear weapons programme of the Israeli regime.

76. The 2010 Review Conference should be based on the full implementation of the nuclear-weapon States' obligations with regard to non-proliferation and should take into account a number of key issues. Proliferation by certain nuclear-weapon States was the most immediate risk threatening the non-proliferation regime. The legal status of article I of the Treaty and its implementation by nuclear-weapon States should be defined. Establishing a verification mechanism similar to the one under article III of the Treaty was essential. IAEA had to be entrusted with the verification of the nuclear materials released from decommissioned nuclear weapons. The view according to which the risk of proliferation arises from non-nuclear-weapon States

should be revisited and the new strategy of the Review Conference should be focused on the proliferation risks of nuclear-weapon States. It was essential for all proliferation cases made by certain nuclear-weapon States to be examined. In order to strengthen non-proliferation, the nuclear-weapon States must also refrain from cooperating with non-parties to the Treaty and undertake not to transfer any nuclear material, equipment, information, knowledge or technology to them. The only solution to ensure non-proliferation and remove the threat of the possible use of nuclear weapons was the total rejection of nuclear deterrence, through the conclusion of a universal, legally binding nuclear disarmament treaty. More than ever before, IAEA should demonstrate its commitment to implementing the safeguards and to facilitating the development of nuclear energy as its primary purpose.

77. In the view of the Islamic Republic of Iran, IAEA was the sole competent authority for verifying the nuclear programmes of States parties and as such played an important and sensitive role in addressing the nuclear activities of its member States. In that regard, IAEA should act within its mandate, its Statute and the safeguards agreements concluded with States parties. Any interference by other bodies such as the Security Council, as well as undue pressure from individual countries, would definitely undermine the credibility and integrity of the Agency and its statutory functions. Furthermore, the confidentiality policies of IAEA must be strengthened to prevent any sensitive or confidential information from being leaked. The Agency should establish a mechanism to handle breaches of confidentiality.

78. Another matter of concern to States parties to the Treaty was the increase of baseless allegations against the peaceful nuclear activities of other States. Politically motivated allegations that were based on unreliable and fabricated evidence created mistrust and confrontation among States parties. The Agency must therefore exercise maximum vigilance in handling unattributed information, baseless allegations and documents lacking authenticity. Moreover, article III of the Treaty stipulated that safeguards must be implemented in such a manner as to avoid hampering the economic or technological development of States parties.

79. All States parties had a basic and inalienable right to develop atomic energy for peaceful purposes and nothing should be construed as restricting that right. States' decisions with regard to the peaceful use of nuclear technology and their nuclear fuel cycle policies must be respected.

80. IAEA must be recognized as the sole competent authority for verification of the respective safeguards obligations of States parties. The Review Conference was expected to stress that there should be no undue pressure on or interference in the Agency's activities, especially its verification process.

81. The Review Conference should recall the resolutions of the IAEA General Conference, specifically resolution 533, and reaffirm the inviolability of peaceful nuclear activities. It should also reaffirm that any attack against or threat to attack peaceful nuclear facilities, whether operational or under construction, posed a serious danger to human life and was a violation of international law, the Charter of the United Nations and the IAEA Statute. In that context, the Review Conference must declare the urgent need for a comprehensive, multilaterally negotiated instrument prohibiting attacks or the threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

82. The Review Conference was expected to call on the Israeli regime to accede to the Non-Proliferation Treaty promptly and without conditions and to place all its nuclear materials and facilities under comprehensive International Atomic Energy Agency safeguards in order to facilitate the establishment of a nuclear-weapon-free zone in the Middle East. Any proposal that excluded prompt accession as a prerequisite for the establishment of such a zone was doomed to fail.

83. The Review Conference must emphasize the fundamental distinction between, on the one hand, the legal obligations of States under their respective safeguards agreements and, on the other hand, voluntary confidence-building measures, which did not constitute a legal obligation.

84. The Conference was expected to propose the establishment of a legal mechanism for the settlement of disputes and to provide a framework for compensation for the damage inflicted by developed countries as a result of their non-compliance with article IV of the Treaty, specifically their denial of transfer rights and the restrictions imposed on developing countries party to the Treaty.

85. The Conference was expected to propose the establishment of a mechanism to protect the confidentiality of the IAEA verification process.

86. Iran's nuclear activities, which had commenced in 1956, had been placed under the Non-Proliferation Treaty. In 1957, the Governments of Iran and the United States had signed an agreement of cooperation. Subsequently, a five-megawatt research reactor had been constructed. The first fuel produced was 93 per cent enriched and had been used mainly for the production of radioisotopes. In 1974, the Atomic Energy Organization of Iran had been established. That Organization had been involved in all stages of the nuclear fuel cycle, and many countries — including the United States, Germany and France — had been fully cooperating in that area.

87. After the triumph of the Islamic Revolution in Iran, the founder of the Islamic Republic of Iran, the late Imam Khomeini, had condemned nuclear weapons on a number of occasions. In one of his speeches, he had said that if atomic weapons continued to be made, the world might be pushed into destruction, and that everyone should make people aware of that danger so that they would stand up to the nuclear powers and prevent the proliferation of those arms.

88. On several occasions, including at the Tehran International Conference on Disarmament and Non-Proliferation, the Supreme Leader of the Islamic Republic of Iran had declared that nuclear weapons were forbidden by religion.

89. Following the Islamic Revolution, Iran had adopted three pillars for its nuclear policy. First, nuclear energy could be an option in Iran's energy mix. Second, nuclear weapons were not an option and had no place in its defence doctrine; Iran would pursue peaceful uses of nuclear energy. Third, Iran would comply with non-proliferation and disarmament principles. Consequently, Iran would continue its compliance as a party to the Non-Proliferation Treaty even though that Treaty had been ratified during the previous regime.

90. Following the Islamic Revolution, the Iranian authorities had been confronted with a critical situation, since all nuclear projects had been halted and foreign suppliers, mostly European and American, had suspended their activities and failed to fulfil their contractual obligations. Due to its complete technical dependency on foreign suppliers, Iran had faced serious difficulties. Therefore, pragmatic and cautious steps, taking into account existing Iranian infrastructure and aimed at nuclear technology transfer, had to be taken.

91. In recent years, Iran's nuclear activities had been turned into a political issue. The representative of Iran recalled that in 2000 the Director General of IAEA had paid his first visit to Iran, when he had been informed by the national Atomic Energy Organization of its intention to undertake certain activities relating to nuclear fuel cycle technology and to build facilities, including the Uranium Conversion Facility. Although Iran had not yet adhered to the newly modified Code 3.1 of the Subsidiary Arrangement, it had nevertheless willingly submitted to the Agency the Design Information Questionnaire (DIQ) for the Uranium Conversion Facility in Isfahan. Iran had submitted that questionnaire to the Agency in 2000, almost four years before it had been required to do so according to its Comprehensive Safeguards Agreement.

92. In 2003, the IAEA Director General had visited the Natanz enrichment facilities. In his meeting with Iran's president, he had suggested that Iran should accept modified Code 3.1 of the Subsidiary Arrangement and sign the Additional Protocol. Iran had agreed to implement the modified Code 3.1 proposed by the IAEA Board of Governors and had invited the Agency's experts to explore the various technical, legal and security dimensions of the Additional Protocol in order to pave the way for a decision to implement it. According to IAEA, the establishment of that uranium-enrichment facility was not in contravention of the safeguards obligations and Iran had not been obliged to submit the DIQ. Therefore, it was absolutely unjustified to claim that those activities represented non-compliance or concealment.

93. Lastly, in order to show utmost cooperation with the Agency, Iran had negotiated a workplan with it in 2007 and that plan had been fully implemented. The Agency therefore had no other choice than to fulfil its obligation to consider Iran's safeguards a routine matter and drop the issue from the agenda of the Board of Governors. A new chapter had begun and Iran would, of course, continue its cooperation and remove any existing ambiguities.

The meeting rose at 1 p.m.